

10/798,172

REMARKS

The following is a reply to the Advisory Action of February 16, 2006, which is issued in response to the Response After Final Pursuant to 37CFR 1.116 of February 6, 2006, which was submitted in reply to the Final Office Action of January 9, 2006.

Claims 17-24 are presently pending in this Application and the Examiner has sustained the rejections of claims 17-24 over the prior art that were expressed in the Final Rejection of January 9, 2006.

In brief, the Examiner states in the Advisory Action that claim 17 (and claims 18 and 24) do not clearly recite that the driving speed of the propulsion drive is dependent on the pedal position when the drive engine is operating at maximum power.

In reply, the Applicant offers the above amendments to claims 17, 18 and 24 in which this limitation is expressly added to the last paragraph of claims 17, 18 and 24, that is, to the paragraph pertaining to operation of the engine at maximum power.

The Examiner also disagrees with the Applicant's position that Evans '520 does not include an auxiliary drive.

Upon consideration, the Applicant must agree that the statement that Evans '520 does not include an auxiliary drive is an overstatement in as much as Evans '520 does mention some form of auxiliary equipment or hydraulic implement at, for example, column 1, line 33, and column 7, lines 13-17. The Applicant should have instead expressed this thought as the statement that while Evans '520 does mention some form of auxiliary equipment or hydraulic implement, Evans '520 does not relate such auxiliary equipment or hydraulic implement to the operation of the engine. In particular, Evans '520 actually only describes a method for controlling the degree of engagement of the impeller clutch 116 by controlling the impeller clutch pressure and the brake pressure so that the ground speed of the machine, and only the ground speed of the machine, is proportional to the angle of depression of the impeller pedal. That is, the Evans '520 disclosure relates only to control of motion of the machine and does not describe in any way how this relates to the operation of any auxiliary equipment or hydraulic implement that may be present.

In particular, and as stated by the Applicant in the Response After Final, Evans '520 does not teach or suggest any form of system for apportioning power between a drive transmission for moving the vehicle over a surface and any form of an auxiliary drive for driving a working hydraulic system in such a manner as to ensure at least a minimum required power to the working hydraulic system and reducing the power to the transmission, as necessary, to

3/24/06 - 11:21 AM

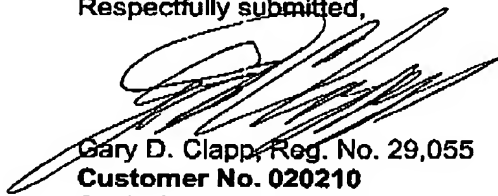
10/798,172

maintain the supply of adequate of driving power for the vehicle. In this regard, it must be noted that the entire function of the Evans '520 system is to maintain power to the transmission so that the vehicle moves over a surface at a speed determined by the pedal position.

The Applicant therefore respectfully believes that the present invention as recited in claims 17, 18 and 24 according to the amendments herein above clearly incorporate the recitation in question into the recitations pertaining to operation of the engine at maximum power and that this recitation fully distinguishes claims 17, 18 and 24 over the cited prior art, so that the amendments render the claims allowable. The Applicant therefore respectfully requests entry of the amendments and allowance of the claims as amended.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Gary D. Clapp, Reg. No. 29,055
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

BEST AVAILABLE COPY

2006-11-21 AM